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Statement

by Mr. Jose Amorim Dias

on behalf of the

Federation Internationale des Droits de l'Homme

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Mr. Chairman,

Distinguished experts:

On 19 November 1991 a peaceful demonstration was carried by a group of 70 East Timorese students in protest against the Sta. Cruz massacre in front of the UN office, the Japanese and Australian embassies in Jakarta.

All the protesters were arrested by the police. At 1 am, Joao Freitas da Camara, organizer of the demonstration, was escorted by the police to his residence and the police searched and ransacked the house and confiscated all the documents.

The condition of the students prisoners were very precarious. The daily food intake was as follows: a small plastic bag containing coffee with three tiny bits of fried banana were our breakfast. For lunch we had a pack containing two soap spoon full of rice and a tiny bit of meat. Foe dinner, we were given spoiled rice not proper for consumption and usually served to common crime prisoners. This diet caused serious stomach ache, diarrhea, general weakness and depression.

The cells were too small and overcrowded with no proper ventilation, no mattresses and with 20 prisoners in each cell who are forced to sleep on the cement floor without any protection against the night colds and dampness. The toilets were very rudimentary with s small water tank with dirty water where we were supposed to bathe. Next there was an open sink which was to be used by everyone.

week after our arrest, 49 detainees were freed without apparent motive, among them myself. This led us to think that our release was due to the firm international response.

Meanwhile, on 24 November 1991, in Denpassar, Bali, five East Timorese students, among them Fernando de Araujo, student leader, were also arrested in their homes.

Concerning the Bali events, I will now refer to Fernando Araujo's defense plea before the Central Jakarta Court on 23 March 1992:

On 24 November 1991, at 6 am, the house where I, Fernando Araujo, and five other colleagues, was surrounded by agents of the "Polda Nusra" (Bali Military Police Headquarters) and some people whom I did not know. While I was still in bed, two persons jumped on me from my bedroom window. As I got up they forced me to go to the living room accompanied by two persons. When all the tenants of the house were in the living room, the agents searched the whole house. Five minutes later, they called my colleague Clemente Soares to witness a search of the house. When they finished, they produced to Clemente two hand grenades and two other explosive devices that were supposed to have been found during the search. Only when the search had been completed, they called in the local village chief and the owner of the house to be witnesses. At this point , I and my colleagues protested and said that the hand grenades and explosives did not belong to us and had never seen them before. We were taken to the Police General Headquarters where we were interrogated separately.

We concluded that before we were arrested, the police had already planned everything to turn our case into a criminal case. In the course of the interrogation, I was never asked whether I wanted a lawyer. Only a week later, I was asked. I answered yes and asked to contact the Chairman of the Institute for the Defense of Human Rights in Jakarta to ask him to arrange a lawyer. The police officer never allowed to contact a lawyer. I was never assisted by a lawyer the whole time I was in Jakarta. I was always given the excuse that a lawyer would be available at the trial itself. Another interrogator told me that there is no need for a lawyer during interrogation in cases of subversion. During this period I was forced to sign several times reports of my interrogation without having read them first.

During my detention in Denpassar between 24 November and 22 December 1991 and later on in Jakarta in the Police General Headquarters I was always denied the right to have visits and correspondence. On 26 February 1992, my cell was searched and all my personal notes were confiscated. This was was a great loss to me because I lost all the notes regarding my case.

The international pressure forced the Indonesian authorities to try to find a way out to the problem of the detainees. They tried to bribe Joao Freitas de Camara, the leader of the group, and Fernando Araujo, a student leader, to accept their guilt, ask for forgiveness from President Suharto and the government. This proposal was also extended to all the detained students. The proposal consisted of signing a document with the following conditions:

1. Recognition of the integration of East Timor in Indonesia;
2. Recognition of Suharto as President of Indonesia;
3. Recognition of Gen.Try Sutrisno as Chief of the Armed Forces;
4. Formal promise not to repeat the same actions;
5. In case they practice again subversive acts against Indonesia they shall be punished.

All the detainees turned down this proposal and remained in prison.

Before the trials, the judges tried their best to persuade the defendants - Virgilio da Silva Guterres, Agapito Cardoso and Domingos Barreto - to dispense with their lawyers, having promised them that they would be released as well some other incentives such money and women and other bonuses.

During the trials the witnesses were questioned not about the acts of the defendants for which they were being tried but instead they were also interrogated about the other defendants not on trial.

The verdicts pronounced by the judges were very heavy. First, Joao Freitas da Camara was given a 10 year prison sentence; Second, Fernando Araujo, 9 years; Third, Virgilio da Silva Guterres, 30 months, Fourth, Agapito Cardoso, 18 months, Fifth, Domingos Barreto, six months. The latter has been freed.

Some of the military responsible for the Sta. Cruz massacre were not tried and those tried were given prison sentences not above one year. This discrepancy in prison sentences shows the farce that is justice in Indonesia.

To conclude, Mr. Chairman, it is in your hands to help bring about respect for human rights in Indonesia and freedom and peace in East Timor. This will be achieved only if you take an unequivocal stand.